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In re Application of
Weinberg et al.
Application No.: 09/622816
PCT No.: PCT/US99/03805
Int. Filing Date: 22 February 1999
Priority Date: 24 February 1998
Attorney's Docket No.: 27611 35364
For: Lipid Emulsions in the Treatment
of Systemic Poisoning

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: COMMUNICATION
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This communication concerns issues arising under 35 U.S.C. 371.

BACKGROUND

This international application was filed on 22 February 1999, and claimed a priority date of 24 February 1998. A Demand electing the United States was filed on 13 September 1999, which was prior to the elapse of 19 months from the priority date. Accordingly, the thirty-month time period to pay the basic national fee in the United States expired as of midnight on 24 August 2000.

On 23 August 2000, applicants filed, *inter alia*, the basic national fee and a surcharge under 37 CFR 1.492(e), but did not file an oath or declaration of the inventors.

On 18 September 2000, a Notification of Acceptance (Form PCT/DO/EO/903) was mailed to applicants, indicating that the 35 U.S.C. 371 date of this application was 23 August 2000.

DISCUSSION

Review of the record reveals that applicants have not yet satisfied the requirements of 35 U.S.C. 371(c)(4) because no adequate oath or declaration has been filed. Accordingly, the Notification of Acceptance mailed on 18 September 2000 was inappropriate and is hereby **VACATED**.

DECISION

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the filing of an oath or declaration of the inventors.



for Boris Milef
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